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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

1 | UNITED STATES OF AMERICA,

CASE NO. 2:20-CR-00194-DJC

.2 Plaintiff,

**STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL
ACT; FINDINGS AND ORDER**

4 DANIEL STEWART, and
LUKE BURROUGHS,

DATE: June 26, 2023

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

STIPULATION

1. By previous order, this matter was set for status on June 26, 2023. This matter was subsequently transferred from Chief Judge Kimberly J. Mueller to the Honorable Daniel J. Calabretta.

2. By this stipulation, defendants now move to continue the status conference until August 31, 2023, and to exclude time between June 26, 2023, and August 31, 2023, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes over 12,000 pages of discovery. All of this discovery has been either produced directly to counsel and/or made available for inspection and

1 copying.

2 b) Counsel for the defendants desire additional time consult with their
3 clients, conduct investigation and research related to the charges, discuss potential
4 resolution, and otherwise prepare for trial.

5 c) Counsel for defendants believe that failure to grant the above-
6 requested continuance would deny them the reasonable time necessary for effective
7 preparation, taking into account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by
10 continuing the case as requested outweigh the interest of the public and the
11 defendant in a trial within the original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18
13 U.S.C. § 3161, et seq., within which trial must commence, the time period of June
14 26, 2023 to August 31, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. §
15 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted
16 by the Court at defendant's request on the basis of the Court's finding that the ends
17 of justice served by taking such action outweigh the best interest of the public and
18 the defendant in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other
2 provisions of the Speedy Trial Act dictate that additional time periods are excludable from
3 the period within which a trial must commence.

4 IT IS SO STIPULATED.

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7 Dated: June 27, 2023

PHILLIP A. TALBERT
United States Attorney

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9 _____
10 /s/ JUSTIN L. LEE
11 JUSTIN L. LEE
12 Assistant United States Attorney

13 Dated: June 27, 2023

14 _____
15 /s/ CANDICE FIELDS
16 CANDICE FIELDS
17 Counsel for Defendant Luke Burroughs

18 Dated: June 27, 2023

19 _____
20 /s/ DAVID FISCHER
21 DAVID FISCHER
22 Counsel for Defendant Daniel Stewart

23 **[PROPOSED] FINDINGS AND ORDER**

24 IT IS SO FOUND AND ORDERED this 28th day of June 2023.

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29 /s/ Daniel J. Calabretta
30 THE HONORABLE DANIEL J. CALABRETTA
31 UNITED STATES DISTRICT JUDGE